

# Senate Study Bill 1167 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON DANDEKAR)

## A BILL FOR

1 An Act relating to activities of licensed private investigation  
2 businesses in regard to abandoned property.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 556.11, subsections 8 through 10, Code  
2 2011, are amended to read as follows:

3 8. a. A holder required to file a report under this section  
4 shall maintain its records containing the information required  
5 to be included in the report ~~until the holder files the report~~  
6 ~~and for four years after the date of filing, unless a shorter~~  
7 ~~time is provided in paragraph "b" or by rule of the treasurer of~~  
8 state while the property remains unclaimed.

9 b. A business association that sells, issues, or provides  
10 to others for sale or issue in this state, traveler's checks,  
11 money orders, or similar written instruments other than  
12 third-party bank checks, on which the business association is  
13 directly liable, shall maintain a record of the instruments  
14 while they remain outstanding, indicating the state and date of  
15 issue, ~~for four years after the date of filing.~~

16 9. Other than the notice to owners required by subsection 5,  
17 published notice required by section 556.12, subsection 1, and  
18 other discretionary means employed by the treasurer of state  
19 for notifying owners of the existence of abandoned property,  
20 all information provided in reports shall be confidential,  
21 unless written consent from the person entitled to the property  
22 is obtained by the treasurer of state, ~~and may~~ or unless  
23 written request is filed with the treasurer of state by a  
24 person licensed as a private investigation business located  
25 in Iowa pursuant to chapter 80A, excluding a person with a  
26 temporary permit received under section 80A.18. Information in  
27 reports may also be disclosed only to governmental agencies for  
28 the purposes of returning abandoned property to its owners or  
29 to those individuals who appear to be the owner of the property  
30 or otherwise have a valid claim to the property. However,  
31 a social security number contained in such a report shall be  
32 maintained as a confidential record and shall be redacted prior  
33 to the release of any information to a person licensed as a  
34 private investigation business.

35 10. All agreements to pay compensation to recover or assist

1 in the recovery of property reported under this section, made  
2 within twenty-four months after the date payment or delivery  
3 is made under section 556.13, are unenforceable. However,  
4 such agreements made after twenty-four months from the date  
5 of payment or delivery are valid if the fee or compensation  
6 agreed upon is not more than ~~fifteen~~ twenty-five percent of the  
7 recoverable property, the agreement is in writing and signed  
8 by the owner, and the writing discloses the nature and value  
9 of the property and the name and address of the person in  
10 possession. A person shall not attempt to collect or collect a  
11 fee or compensation for discovering property presumed abandoned  
12 under this chapter unless the person is licensed as a private  
13 investigation business located in Iowa pursuant to chapter  
14 80A, excluding a person with a temporary permit received under  
15 section 80A.18. This section does not prevent an owner from  
16 asserting, at any time, that an agreement to locate property  
17 is based upon excessive or unjust consideration. This section  
18 does not apply to an owner who has a bona fide fee contract with  
19 a practicing attorney and counselor as described in chapter  
20 602, article 10.

21

## EXPLANATION

22 This bill allows licensed private investigation businesses  
23 located in Iowa to have access, upon request, to information  
24 provided in reports to the state treasurer by businesses or  
25 other entities that hold valuables that may be considered  
26 abandoned. However, the treasurer must maintain social  
27 security numbers contained in such reports as confidential  
28 records and redact those numbers prior to the release of such  
29 information to a licensed private investigation business.

30 The bill also requires businesses or other entities holding  
31 valuables that are required to file reports to maintain their  
32 records containing the information required to be included  
33 in the report so long as the property is unclaimed or the  
34 instrument remains outstanding, instead of for just four years  
35 after the date of filing the report.

S.F. \_\_\_\_\_

1      In addition, the amount of the fee that may be charged by an  
2 Iowa private investigation business is increased from 15 to 25  
3 percent of the recoverable property.